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9 **IN THE UNITED STATES DISTRICT COURT**  
10 **FOR THE DISTRICT OF ARIZONA**

11 IN RE BARD IVC FILTERS  
12 PRODUCTS LIABILITY LITIGATION

No. MD-15-02641-PHX-DGC

13 **AMENDED MASTER SHORT FORM**  
14 **COMPLAINT FOR DAMAGES FOR**  
15 **INDIVIDUAL CLAIMS AND**  
16 **DEMAND FOR JURY TRIAL**

17 Plaintiff(s) named below, for their Complaint against Defendants named below,  
18 incorporate the Master Complaint for Damages in MDL 2641 by Reference [*Doc. 364*].

19 Plaintiff(s) further show the Court as follows:

20 1. Plaintiff/Deceased Party:

21 Richard Smith

22 2. Spousal Plaintiff/ Deceased Party's spouse or other party making loss of  
23 consortium claim:

24 ~~Georgia Smith~~

25 3. Other Plaintiff and capacity (i.e., administrator, executor, guardian, conservator):

26 N/A

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1 4. Plaintiff's/Deceased Party's state(s) of residence at the time of implant:

2 Michigan

3 5. Plaintiff's/Deceased Party's state(s) of residence at the time of injury:

4 Michigan

5 6. Plaintiff's current state(s) of residence:

6 Michigan

7 7. District Court and Division in which venue would be proper absent direct filing:

8 United States District Court for the Western District of Michigan

9 8. Defendants against whom Complaint is made:

10 ☒ C.R. Bard, Inc.

11 ☒ Bard Peripheral Vascular, Inc.

12 9. Basis of Jurisdiction:

13 ☒ Diversity of Citizenship

14 ☐ Other: \_\_\_\_\_

15 a. Other allegations of jurisdiction and venue not expressed in Master Complaint:

16 N/A

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10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making a claim (Check applicable Inferior Vena Cava Filter(s)):

☐ Recovery<sup>®</sup> Vena Cava Filter

☐ G2<sup>®</sup> Vena Cava Filter

☐ G2<sup>®</sup> Express (G2<sup>®</sup>X) Vena Cava Filter

☒ Eclipse<sup>®</sup> Vena Cava Filter

☐ Meridian<sup>®</sup> Vena Cava Filter

☐ Denali<sup>®</sup> Vena Cava Filter

☐ Other: \_\_\_\_\_

11. Date of Implantation as to each product:

03/28/2011

12. Counts in the Master Complaint brought by Plaintiff(s):

☒ Count I: Strict Products Liability — Manufacturing Defect

☒ Count II: Strict Products Liability — Information Defect (Failure to Warn)

☒ Count III: Strict Products Liability — Design Defect

☒ Count IV: Negligence — Design

☒ Count V: Negligence — Manufacture

☒ Count VI: Negligence — Failure to Recall/Retrofit

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- 1           ☒ Count VII: Negligence — Failure to Warn
- 2           ☒ Count VIII: Negligent Misrepresentation
- 3
- 4           ☒ Count IX: Negligence *Per Se*
- 5           ☒ Count X: Breach of Express Warranty
- 6
- 7           ☒ Count XI: Breach of Implied Warranty
- 8           ☒ Count XII: Fraudulent Misrepresentation
- 9
- 10          ☒ Count XIII: Fraudulent Concealment
- 11          ☒ Count XIV: Violations of Applicable Michigan Law Prohibiting
- 12                   Consumer Fraud and Unfair and Deceptive Trade Practices

13

14          ☒ ~~Count XV: Loss of Consortium~~

15          ☐ Count XVI: Wrongful Death

16

17          ☐ Count XVII: Survival

18          ☒ Punitive Damages

19

20          ☐ Other(s): \_\_\_\_\_ (please state the facts supporting

21                   this Count in the space immediately below)

22 \_\_\_\_\_

23 \_\_\_\_\_

24 \_\_\_\_\_

25 \_\_\_\_\_

26 \_\_\_\_\_

27 \_\_\_\_\_

28                                   **GOLDENBERGLAW, PLLC**  
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1 13. Jury Trial demanded for all issues so triable?

2 ☒ Yes

3 ☐ No

4  
5 Respectfully submitted this September 21, 2020.

6  
7 /s/ Marlene J. Goldenberg  
8 Stuart L. Goldenberg (*pro hac vice*)  
9 Marlene J. Goldenberg (*pro hac vice*)  
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16 *Attorneys for Plaintiffs*

17  
18 I hereby certify that on September 21, 2020, I electronically transmitted the  
19 attached document to the Clerk's Office using the CM/ECF System for filing and  
20 transmittal of a Notice of Electronic filing.  
21

22  
23 /s/ Marlene J. Goldenberg

24  
25  
26  
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